

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on September 19, 2003.

I. DISPUTE

Whether there should be reimbursement for out-of-pocket expenses for prescription medications for dates of service September 26, 2002 through July 8, 2003.

II. RATIONALE

EOB's were not submitted by either party; therefore, this dispute will be reviewed per the Pharmaceutical Guidelines.

The requestor submitted receipts for dates of service May 9, 2003 and August 5, 2003 showing payment for hydroco/APAP10-325MG Tab. However, according to Texas Workers' Compensation Commission Rule 133.307 (f)(3), the requestor has not submitted any convincing evidence of the carrier receiving the employee's request for reimbursement; therefore, reimbursement is not recommended.

IV. DECISION

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor is not entitled to reimbursement for out-of-pocket expenses for prescription medications.

The above Findings and Decision are hereby issued this 19th day of March 2004.

Marguerite Foster
Medical Dispute Resolution Officer
Medical Review Division

MF/mf